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7 Attorneys for Defendant/Counter-Plaintiff,
KEATING DENTAL ARTS, INC.
8

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 JAMES R. GLIDEWELL DENTAL
13 CEAMICS, INC. dba GLIDEWELL
LABORATORIES,
14

Plaintiff,
15

v.
16

KEATING DENTAL ARTS, INC.
17

Defendant.
18

19 AND RELATED COUNTERCLAIMS.
20

) Civil Action No.
) SACV11-01309-DOC(ANx)
)

) **DECLARATION OF**
) **JEFFREY L. VAN HOOSEAR**
) **IN SUPPORT OF**
) **DEFENDANT KEATING**
) **DENTAL ARTS, INC.'S**
) **MOTION FOR LEAVE TO**
) **FILE A SECOND AMENDED**
) **ANSWER, AFFIRMATIVE**
) **DEFENSES AND**
) **COUNTERCLAIMS**

) HEARING:
) Date: October 15, 2012
) Time: 8:30 am
) Place: Courtroom 9D
)

) Honorable David O. Carter
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1 I, Jeffrey L. Van Hoosear, do hereby declare as follows:

2 1. I am a partner at the law firm Knobbe, Martens, Olson & Bear LLC
3 which represents Keating Dental Arts, Inc. (“Keating”) in this matter and am an
4 attorney of record in this matter.

5 2. Attached as **Exhibit D** is a true and correct copy of Glidewell’s
6 First Request for Admissions served by mail on Keating on September 21, 2012.

7 3. Attached as **Exhibit E** is a true and correct copy of Glidewell’s
8 Second Request for Production of Documents and Things served by mail on
9 Keating on September 21, 2012.

10 4. Attached as **Exhibit F** is a true and correct copy of Glidewell’s
11 Notice of Deposition of Keating employee Bob Brandon. Glidewell noticed Mr.
12 Brandon’s deposition for October 16, 2012.

13 5. Attached as **Exhibit G** is a true and correct copy of Glidewell’s
14 Notice of Deposition of Keating employee Diane Mallos. Glidewell noticed
15 Ms. Mallos’s deposition for October 17, 2012.

16 6. Attached as **Exhibit H** is a true and correct copy of Glidewell’s
17 Notice of Deposition of Keating CEO Shaun Keating. Glidewell noticed Mr.
18 Keating’s deposition for October 18, 2012.

19 7. Keating has agreed to make Mr. Brandon, Ms. Mallos, and Mr.
20 Keating available on the dates noticed by Glidewell.

21 8. On September 15, 2012, Keating timely served Defendant James R.
22 Glidewell Dental Ceramics, Inc. dba Glidewell Laboratories (“Glidewell”) with
23 an expert report from Dr. David Eggleston who has more than 42 years of
24 experience in the dental industry.

25 9. A true and correct copy of Dr. Eggleston’s expert report is attached
26 as **Exhibit I**.

27 10. On September 24, 2012, Glidewell served Keating with a notice of
28 deposition for Dr. David Eggleston. The deposition is scheduled for October

22, 2012.

11. Attached as **Exhibit J** is a true and correct copy of an Order dated November 18, 2011 issued by the Trademark Trial and Appeals Board (“TTAB”) of the U.S. Patent and Trademark Office regarding Keating’s trademark application for the mark KDZ BRUXER. The Order suspends Keating’s application pending the outcome of this civil litigation.

12. Attached as **Exhibit K** is a true and correct copy of a motion filed by Keating with the TTAB seeking a suspension of Glidewell’s trademark application for the mark BRUXZIR for use with dental ceramics.

13. Attached as **Exhibit L** is a true and correct copy of an Order dated February 3, 2012 issued by the TTAB regarding Glidewell’s trademark application for the mark BRUXZIR for use with dental ceramics. The Order suspends Glidewell’s application pending the outcome of this civil litigation.

14. Attached as **Exhibit M** is a true and correct copy of the webpage for the word “bruxer” from <http://www.worldwidewords.org>, the webpage cited by Glidewell in their Opposition Brief. As evidenced by the subtitle at the top of the page, the website deals with “international English from a British viewpoint.”

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed October 1, 2012, at Irvine, California.

/s/ Jeffrey L. Van Hoosear
Jeffrey L. Van Hoosear

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